

FILED '10 APR 09 09:28 USDC-ORE

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

MARK DICKENS,	)	
	)	
Plaintiff,	)	Civil No. 08-6403-TC
	)	
v.	)	FINDINGS AND
	)	RECOMMENDATION
WELLS FARGO BANK NA, a national	)	
bank; THE BANK OF NEW YORK	)	
MELLON, a New York state bank;	)	
NORTHWEST TRUSTEE SERVICES, INC.,	)	
a foreign corporation,	)	
<u>Defendants.</u>	)	

COFFIN, Magistrate Judge:

Presently before the court are defendants' motion (#58) for attorney fees in the amount of \$59, 525.50 and defendants' Bill of Costs(#61) in the amount of \$3,060.85 .

Plaintiff Bill of costs is allowed as plaintiff has not filed an opposition to the Bill and the detail provided by defendants appears to be reasonable and taxable as costs.

Ths Court declines to award attorney fees in this action. Defendants sought attorney fees in their counterclaim, but did not move for summary judgment on such counterclaim. Judgment was entered in favor of defendants on plaintiff's claims, but not on defendants' counterclaim.

Conclusion

Defendants' motion (#58) for attorney fees should be denied.  
Defendants' Bill of Costs(#61) should be allowed in the amount of  
\$3,060.85.

DATED this 8<sup>th</sup> day of April, 2010.

  
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THOMAS M. COFFIN  
United States Magistrate Judge